

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

4 MAY 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy Mincello, Robert V. Perkins and Donald R. Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized LeaAnn Grogan, employee at the War Memorial Coliseum, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting.

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Mayor Allen recognized Tim Geotz, Executive Director of the Children's Museum. Mr. Geotz invited the Council to attend the grand opening of this facility scheduled for May 15, 1999 from 12 noon to 5:00 P. M.

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Mayor Allen introduced and Councilmember Burroughs-White read into the minutes a resolution honoring the memory of the late Nelle Artis Coley. Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Holliday; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

73-99 RESOLUTION HONORING THE MEMORY OF THE LATE NELLE ARTIS COLEY

WHEREAS, on April 14, 1999, this community lost one of its most outstanding community leaders with the death of Nelle Artis Coley at the age of 90;

WHEREAS, Mrs. Coley was a respected educator, with a teaching career that included a period in eastern North Carolina before returning to Greensboro to teach at Washington Street School and completing her remaining 28 years of service at James B. Dudley High School, where her work earned her the title of "Ma Coley" to thousands of men and women around the world;

WHEREAS, she was active in numerous professional and civic organizations which included the American Association of University Women, the National Council of Negro Women, the NAACP, Bennett College Alumnae Association, the Classroom Teachers Association of Greensboro and the North Carolina Teachers Association;

WHEREAS, among the many recognitions, awards and honors received, in 1992, Mrs. Coley was honored by the Delta Sigma Theta Sorority, Inc. in its "Salute to Great Teachers" and in 1998, she was honored by having Project homestead build a residential complex named the Coley-Jenkins Independent Living Center;

WHEREAS, Mrs. Coley was a devoted member of Providence Baptist Church where she served as a Sunday School Teacher, trustee, library volunteer and member of the Philathea Missionary Circle, and the Providence Service Guild;

WHEREAS, while Nelle Artis Coley will be sadly missed, Greensboro citizens will be abundantly enriched by the legacy she leaves us.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Nelle Artis Coley.
2. That a copy of this resolution shall be delivered to the family of the Late Mrs. Coley as a symbol of the gratitude of the people of Greensboro for her many contributions to this community.

(Signed) Yvonne J. Johnson

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Presenting the 1999-2000 proposed budget, City Manager Kitchen stated this budget would set a course for future planning and investment while maintaining and enhancing the City's commitment to quality services. He advised the proposed budget continued the focus on sound financial management and provided a balance between needs and desires of today and the importance of planning for and investing in the future. The City Manager advised that major investments would be made in the areas involving basic city functions; i.e., Water Resources, Police Services and Comprehensive Planning/Growth Management.

In the area of Water Resources, the City Manager advised that this budget contained an overall increase in the amount of \$8 million or nearly 20% and would provide funding for major capital needs: reserve for Randleman water supply, Osborne Wastewater Plant Expansion for additional sewer capacity and the water supply from Reidsville, Winston-Salem and High Point. The Manager advised this budget would also provide funding for the maintenance and refurbishment of existing infrastructure, improvements to the distribution system and enhancements to North Buffalo Wastewater Plant. He advised a mid-year increase in water and sewer rates would be forthcoming. Speaking to the City's continued emphasis and increased funding for water conservation programs, the Manager advised of possible structure changes to further encourage conservation.

The City Manager stated that in the area of Police Services an overall increase from the 1998-99 budget of \$3.8 million or nearly 10% would be used to fund thirty-one new full-time positions, including 16 sworn officers and 15 support positions. He noted that this budget would include 100% funding of sworn officers, target \$375,000 for a case processing system and provide operating costs for Greensboro's first regional sub-station in Northeast Greensboro.

With respect to Planning/Growth Management, City Manager Kitchen advised this budget would provide resources to develop a comprehensive plan including new positions in the Planning Department, two-year funding for consulting services and the opportunity for broad participation by citizens, City departments and other governments. The Manager also stated that resources would be included to stimulate downtown/infill development.

The Manager highlighted other portions of the proposed budget with respect to Bryan Park, War Memorial Coliseum, Parks and Recreation, Investment in Technology, Solid Waste Fund, and Pay-As-You-Go-Financing.

City Manager Kitchen advised the 1999-2000 proposed budget maintained the current tax rate of 58.25 cents. He spoke to his intent to discuss with Council during the budget work sessions a possible decrease for debt service.

The Manager reviewed the schedule for the Council's budget work sessions on May 10, May 11 and May 17, 1999. He further advised that the public hearing for the budget would be held at the regular 6:00 p.m. Council meeting on May 18, with the budget tentatively scheduled for adoption on June 1. In addition, the Manager advised a copy of the budget estimate would be available for public review at Greensboro Libraries, the Budget Office and the City Clerk's Office.

After brief discussion by Council and the introduction by the Mayor of a resolution directing the filing with the City Clerk of the budget estimate for the Fiscal Year 1999-00, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

**74-99 RESOLUTION DIRECTING THE FILING WITH THE CITY CLERK OF THE BUDGET ESTIMATE FOR THE FISCAL YEAR 1999-00**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:**

Section 1. The budget estimate of the City of Greensboro for the fiscal year beginning July 1, 1999, which was this day submitted to the City Council, is hereby ordered filed with the City Clerk where it shall remain for public inspection for at least ten days from this date.

Section 2. A copy of said budget estimate shall be made available to all news media in the County.

Section 3. This resolution shall be published in at least one newspaper published in the city and shall serve as notice that the budget estimate has been presented to the City Council, that a copy of same is on file for public inspection in the office of the City Clerk, and as notice of the time and place of the public hearing as set out below.

Section 4. A public hearing shall be held in the City Council Chamber at 6:00 p.m. on May 18, 1999, at which time the City Council will hear from any persons who may wish to be heard on the budget.

(Signed) Earl Jones

(A copy of the Manager's presentation and budget highlights is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to establishing requirements for Transportation Impact Studies.

The City Manager advised this was a policy issue for dealing with development in the City and followed an extensive briefing to Council with regard to technical issues.

Jim Westmoreland, Greensboro Department of Transportation (GDOT), provided an overview of the proposed Transportation Impact Study (TIS) ordinance and detailed its purpose, requirements and role in ensuring properly designed new development. He further stated that the ordinance would provide a

number of key benefits, including, information to be used in making decisions and an improved development review process. Adding that this ordinance addressed citizens' expectations and would be good for Greensboro, Mr. Westmoreland expressed appreciation to the citizens, members of the development community and GDOT staff who had participated in this effort.

Mayor Allen asked if anyone wished to be heard.

Charlie Melvin, 300 North Greene Street; and Chester "Tripp" Brown, Jr., 440 West Market Street and Chairperson of the Real Estate and Building Coalition; spoke in support of the proposed ordinance. They expressed appreciation for the opportunity for large real estate owners to participate in the creation of this ordinance and spoke to the meetings with GDOT staff which had addressed various concerns expressed by the group.

Council discussed with staff a number of specific portions of this ordinance; i.e., cooperative efforts with Guilford County, rationale for specific wording in the ordinance, the additional cost incurred by developers, etc.

After brief discussion, Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Holliday; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-54 AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES  
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-1-3, Purpose, is hereby amended by adding a new subsection to read as follows:

"30-1-3.16 Transportation Impact Study (TIS) Purposes

The Transportation Impact Study (TIS) regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

(A) Assure the integrity and safety of the transportation system is maintained by identifying and evaluating impacts of proposed development and identifying scope and timing of necessary improvements to the transportation system.

(B) Safeguard and enhance property values and protect public and private investment by identifying and eliminating or mitigating negative transportation impacts of development."

Section 2. That Section 30-2-1, Definition Index, is hereby amended by adding the following in alphabetical sequence:

"Transportation Impact Study (TIS) 30-2-2.7"

Section 3. That Section 30-2-2.7, General, is hereby amended by adding the following definition in alphabetical sequence:

"Transportation Impact Study (TIS). A study conducted to evaluate the capacity and safety impacts on the transportation system from a proposed development and identify necessary improvements or management strategies to mitigate negative impacts. Such studies are to be performed in accordance with City guidelines by a licensed professional engineer who has completed the Greensboro Department of Transportation self-certification form."

Section 4. That Section 30-3-11.2, Submission of Site Plans, is hereby amended by adding a second sentence to subsection (A) Timing to read as follows:

“If a TIS is required in conformance with Section 30-3-20 (Transportation Impact Study (TIS)), a presubmittal conference must be held prior to the preparation of the TIS and the TIS shall be submitted to the Greensboro Department of Transportation a minimum of twenty-one (21) calendar days prior to site plan submittal.”

Section 5. That Section 30-3-13.1, General Requirements, is hereby amended by adding a third sentence to subsection (A) Application to read as follows:

“If a Transportation Impact Study (TIS) is required in conformance with Section 30-3-20 (Transportation Impact Study (TIS)), the TIS shall be included as a part of the rezoning application submitted to the Planning Department.”

Section 6. That Article III, Permits and Procedures, is hereby amended by adding a new section to read as follows

“Section 30-3-20

#### TRANSPORTATION IMPACT STUDY (TIS)

A Transportation Impact Study (TIS) may be required by the City of Greensboro Department of Transportation (GDOT) for any development or property that has experienced a change in zoning classification after July 1, 1999 and are projected to generate one hundred (100) trips during the adjacent street AM or PM peak hour or one thousand (1,000) daily trips. A TIS shall be required for all developments that have experienced a change in zoning classification after July 1, 1999 and are projected to generate one hundred fifty (150) trips during the adjacent street AM or PM peak hour or fifteen hundred (1,500) daily trips. A TIS may be required by GDOT for any redevelopment or change in use of an existing occupied development that has experienced a change in zoning classification after July 1, 1999 which would generate one hundred (100) additional trips during the adjacent street AM or PM peak hour or One thousand (1,000) additional daily trips, and shall be required when the subject development is expected to generate one hundred fifty (150) additional trips during the adjacent street AM or PM peak hour or fifteen hundred (1,500) additional daily trips, subject to the exception set out below.

When sufficient information on the proposed development is available for GDOT to determine that the aforementioned criteria is met, a TIS shall be submitted with all preliminary plats, site plans, site plan revisions, Special Use Permit applications, Conditional Use rezoning applications, and Conditional Use original zoning applications where the proposed City of Greensboro zoning entails greater trip generation than does the existing County zoning. The trip rates shall be based on trip generation rates contained in the latest edition of *Trip Generation* published by the Institute of Transportation Engineers or any local trip generation rates either published or approved by GDOT. Additional trips shall be determined by subtracting the gross trip generation of the existing use from the gross trip generation of the proposed use. The additional trip calculation shall apply to property that is occupied at the time of submittal or has been occupied at any time prior to submittal.

If a development or property has experienced a change in zoning classification after July 1, 1999 and special circumstances exist, GDOT may require a TIS without regard to the expected trip generation of the development. Factors that would warrant such a requirement are: 1) There are existing levels of service deficiencies in the area of the proposed development. (“*Level of Service*” as

*defined in the Highway Capacity Manual - Transportation Research Board Special Report 209)* and/or 2) Available accident data and/or operational and geometric factors indicate safety concerns.

Notwithstanding the above, a TIS shall not be required if the property to be rezoned or developed has been the subject of a TIS within the previous three (3) years and the projected trip generation of the newly proposed development is equal to or less than the previous study performed and the trip distribution has not significantly changed. As a part of subdivision, site plan and driveway permit approval, GDOT may require needed transportation improvements for the property requesting development approval; however, a TIS shall not be utilized as a means for staff to require the party developing the property to make needed transportation improvements remote from the property for which the TIS is submitted, nor shall identified deficiencies in level of service automatically preclude approval of the proposed development.

A licensed professional engineer who has completed the GDOT self-certification form shall prepare the TIS. The TIS must follow the guidelines prepared by GDOT and contained herein as Appendix 7. The TIS shall address the proposed land use, the trip generation therefrom, site access, modal splits if appropriate, impacts on the transportation system from the proposed development, and physical improvements or enforceable management strategies to mitigate negative impacts. At a minimum, the TIS shall identify the improvements necessary to maintain Level Of Service D for streets and intersections as defined in the *Highway Capacity Manual - Transportation Research Board Special Report 209*. GDOT will maintain traffic count information on all signalized intersections within the city limits of Greensboro; therefore, counts at these intersections will not be required as a part of the TIS preparation.

Any TIS, whether required or voluntarily prepared, must be prepared by a licensed engineer in accordance with City guidelines. Additionally, the TIS should be reviewed and approved by GDOT before being considered by City Council or any planning agency of the City.

Developments / properties that have not experienced a change in zoning classification since July 1, 1999 will not be required to prepare a TIS as a part of their site plan approval; however, any such development projected to generate one hundred (100) trips during the adjacent street AM or PM peak hour or one thousand (1,000) daily trips must provide traffic information and attend a pre-submittal conference with GDOT twenty-one (21) days prior to site plan submittal. Together with the developer, GDOT will identify any areas of concern and/or issues that must be analyzed prior to site plan approval. The traffic information shall be submitted to GDOT at least three (3) working days prior to the pre-submittal conference and shall include the following:

- Preliminary site plan that includes a vicinity map and proposed layout for the development that shows the proposed and existing points of access in the area and the proposed traffic circulation plan.
- Projected trip generation based on the ITE manual referenced above.
- Projected trip distribution map showing the origin and destination of the development traffic.
- Schedule and proposed build-out year for the development.”

Section 7. That Section 30-4-3.4, Procedures, is hereby amended by rewriting subsection (A) 3)-c) to read as follows:

- “(c) A Transportation Impact Study (TIS) in accordance with Section 30-3-20 (Transportation Impact Study (TIS)).”

Section 8. That Section 30-6-5, Submission of Plans, is hereby amended by adding a third sentence to read as follows:

“If a TIS is required in conformance with Section 30-3-20 (Transportation Impact Study (TIS)), a presubmittal conference must be held prior to the preparation of a TIS and the TIS shall be submitted to the Greensboro Department of Transportation a minimum of twenty-one (21) calendar days prior to site plan submittal.”

Section 9. That Section 30-6-7.2, Preparation, is hereby amended by rewriting the section to read as follows:

- “(A) Preliminary Plat: The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, or licensed engineer, and shall be prepared in accordance with Appendix 2 (Map Standards)
- (B) Transportation Impact Study (TIS): A Transportation Impact Study (TIS) shall be prepared by a licensed engineer in accordance with Section 30-3-20 (Transportation Impact Study (TIS)).”

Section 10. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 11. The effective date of this ordinance shall be July 1, 1999.

(Signed) Earl Jones

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The Mayor stated that this was the time and place set for a public hearing for the resolution approving the 1999-00 Housing and Community Development Plan and authorizing the submission of a one-year action plan for Community Development Block Grant Funding for the 1999-00 fiscal year.

Andy Scott, Housing and Community Development Department Director, advised this was the fifth year of a five-year comprehensive plan. He spoke to the work of the Community Resource Board and the timeframe for bringing recommendations to Council. Mr. Scott reviewed the 1999-2000 sources of funds for HCD; i.e., Community Development Block Grant, HOME Program, General Fund, Housing Partnership Fund and Capital Projects Funds and the 1999-2000 Uses of Funds; i.e., Affordable Housing, Neighborhood Development, Administration, Human Services and Neighborhood Economic Development.

Gwen Torain, Housing and Community Development, provided a review of the Community Resource Board's 1999-2000 Planning Process and the Housing and Community Development Goals; i.e., Neighborhood Development Goals, Neighborhood Economic Development Goals, and Human Service Goals.

Mr. Scott reviewed the Housing and Community Development Recommended Funding Allocations for 1999-2000 for Affordable Housing, Neighborhood Development, Neighborhood Economic Development and Program Administration Recommendations.

Council discussed with staff specific portions of the Plan, including the large funding cutback planned for the next year which was the result of Council's direction three years ago. In response to Council inquiries, Mr. Scott advised his staff continued to inform the neighborhood associations and non-profit agencies of the proposed cutback in funding.

Mayor Allen asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Vaughan; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

75-99 RESOLUTION APPROVING THE 1999-00 HOUSING AND COMMUNITY DEVELOPMENT PLAN AND AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 1999-00 FISCAL YEAR

WHEREAS, the Department of Housing and Community Development has prepared the 1999-00 Housing and Community Development Plan which states goals and objectives for affordable housing, neighborhood development, neighborhood economic development and human services for the coming year; and

WHEREAS, after holding public hearings to receive public comment, the Community Resource Board has recommended the 1999-00 Housing and Community Development Plan to City Council for consideration ; and

WHEREAS, under Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants for the conduct of Community Development Programs; and

WHEREAS, it is desirable and in the public interest for the City of Greensboro to prepare and submit a Consolidated Plan and One-Year Action Plans for conducting Community Development activities in the City of Greensboro; and

WHEREAS, the City has prepared a One-Year Action Plan describing activities to be undertaken with Community Development Block Grant Funds during the 1999-00 fiscal year; and

WHEREAS, it is understood that acceptance of a Community Development Block Grant obligates the City of Greensboro to conduct and administer Community Development Program activities in accordance with requirements of Title I of the Housing and Community Development Act of 1974, as amended, applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the 1999-00 Housing and Community Development Plan is hereby approved as recommended by the Community Resource Board;
2. That the submission of a One-Year Action Plan for a Community Development Block Grant in the amount of \$2,560,750 is hereby authorized and approved.
3. That the conduct of Community Development Block Grant Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
4. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a Community Development Block Grant and

that it is in the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.



5. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.

6. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local Community Development Program activities as referred to above; and (2) to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Earl Jones

(A copy of the information reviewed by staff is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution authorizing the submission of a one-year action plan for Home Consortium Funds and the conduct of Home Consortium activities for the 1999-00 fiscal year. The Mayor asked if anyone wished to be heard.

Stating that this was the fifth year of this program, Dan Curry, Housing and Community Development, advised that Greensboro was Lead Entity for the Greensboro/Guilford/High Point/Burlington/Alamance Housing Consortium.

Councilmember Johnson left the meeting at 7:30 p.m. during the above discussion.

There being no one present desiring to speak to this matter, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

**76-99 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOME CONSORTIUM FUNDS AND THE CONDUCT OF HOME CONSORTIUM ACTIVITIES FOR THE 1999-2000 FISCAL YEAR**

WHEREAS, under the Cranston-Gonzalez National Affordable Housing Act of 1990, the Secretary of the Department of Housing and Urban Development is authorized to make HOME Program grants for the conduct of HOME Programs; and

WHEREAS, the City of Greensboro, Guilford County, the City of High Point, the City of Burlington, and Alamance County have formed a Housing Consortium to receive HOME funding; and

WHEREAS, the City of Greensboro, as Lead Entity for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium, is responsible for submitting all Federal applications and reports; and

WHEREAS, each Consortium member developed their HOME program and conducted their own citizen participation process; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 1999-2000 Fiscal Year for the Consortium; and

WHEREAS, it is understood that acceptance of a HOME Program Grant obligates the City of Greensboro to conduct and administer HOME Program activities in accordance with the requirements of

the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the submission of a consolidated application for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium HOME funding in the amount of \$1,768,000 is hereby authorized and approved.
2. That the One Year Action Plan for the Consortium is hereby approved.
3. That the City of Greensboro and each member jurisdiction will provide any required local match from non-federal funds.
4. That the conduct of HOME Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
5. That the City of Greensboro and each member of the Consortium is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOME Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
6. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
7. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOME Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Claudette Burroughs-White

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Moving to the Consent Agenda, Mayor Allen read the titles of the following ordinances as required by the Greensboro Code of Ordinances:

- Ordinance establishing Grant Project Budget for FY 1998-99 Fair Housing Assistance Program.
- Ordinance amending Capital Project Budget for the Industrial Village Waterline.
- Ordinance amending General Capital Projects Fund Budget to receive transfer of projects balances for selected General Fund Capital Projects.

After Mayor Allen requested a motion to adopt all ordinances, resolutions and motion listed on the Consent Agenda, Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR FY 1998-99  
FAIR HOUSING ASSISTANCE PROGRAM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appropriation for the State and Federal Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0303-99.4110	Salaries & Wages	\$ 17,800
220-0303-99.5212	Software	1,500
220-0303-99.5520	Seminar/Training Expenses	15,000
220-0303-99.5432	Desktop Services	<u>4,500</u>
		\$ 38,800

and, that this increase be financed by increasing the following State and Federal Grants Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-0303-99.7100	Federal Grants	\$ 38,800

(Signed) Donald R. Vaughan

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99-66    ORDINANCE AMENDING CAPITAL PROJECT BUDGET FOR THE INDUSTRIAL  
VILLAGE WATER LINE

Section 1. That the Capital Project Budget for the Industrial Village Water Line be established for the life of the project as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7003-01.6016	Water Line Construction	\$34,305

And, that this increase be financed by increasing the following revenue account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
504-7003-01.8040	Contracted Services-Guilford County	\$34,305

(Signed) Donald R. Vaughan

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99-67    ORDINANCE AMENDING GENERAL CAPITAL PROJECTS FUND BUDGET  
TO RECEIVE TRANSFER OF PROJECTS BALANCES FOR SELECTED GENERAL  
FUND CAPITAL PROJECTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 98-99 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the General Capital Projects Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
410-5022-21.6011	Land	\$150,000

410-2506-02.6013	Buildings	280,960
410-5540-01.6013	Buildings	<u>832,535</u>
		\$1,263,495

<u>Account</u>	<u>Description</u>	<u>Amount</u>
410-5022-21.9101	Transfer from General Fund	\$150,000
410-2506-01.9101	Transfer from General Fund	280,960
410-5540-01.6013	Transfer from General Fund	<u>832,535</u>
		\$1,263,495

(Signed) Donald R. Vaughan

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77-99 RESOLUTION APPROVING TELECOMMUNICATIONS FRANCHISE AGREEMENT BETWEEN THE CITY OF GREENSBORO AND BTI TELECOMMUNICATIONS SERVICES

WHEREAS, in May, 1995, the City Council adopted a new Telecommunications Ordinance;

WHEREAS, BTI Telecommunications Services has applied for a franchise to provide telecommunication and other services as legally allowed;

WHEREAS, such agreement which is presented herewith this day contains the terms and conditions and the franchise fees to be paid to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the proposed Telecommunications Franchise Agreement between the City of Greensboro and BTI Telecommunications Services, is hereby and in all respects approved and the Mayor and the City Clerk are hereby authorized to execute said Agreement on behalf of the City with an executed original Agreement to be placed on file with the City Clerk's Office.

(Signed) Donald R. Vaughan

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78-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF MARGARET ANNE WOODWARD, IN CONNECTION WITH THE LAKE BRANDT ROAD WIDENING PROJECT

WHEREAS, Margaret Anne Woodward is the owner of certain property located on Lake Brandt Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Lake Brandt Road Widening Project;

WHEREAS, negotiations with the owners at the appraised value of \$13,881.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$13,881.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$13,881.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 431-6002-19.6012, CBR 034.

(Signed) Donald R. Vaughan

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78-99 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREETS RIGHTS-OF-WAYS TO RF MICRO DEVICES, INC. AS FOLLOWS: 200' CROSSING HIGHWAY 68, AND 979' ALONG HICKORY RIDGE ROAD; AND 25' CROSSING A CITY SEWER RIGHT-OF-WAY TO INSTALL A TOTAL OF 1204 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE RF MICRO DEVICES, INC. SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, RF Micro Devices, Inc. has requested an encroachment easement from the City for the underground and overhead installment of 1204 linear feet of private fiber optic cable in order to serve the company by providing a communication link between 7625 Thorndike Road and 494 Gallimore Diary Road;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Highway 68, aerial installation on Hickory Ridge Road, and boring under the sewer easement all as shown on the attached map;

WHEREAS, following installation of said cable, RF Micro Devices, Inc. will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, RF Micro Devices, Inc. has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, RF Micro Devices, Inc. is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic cable in Highway 68 as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

(Signed) Donald R. Vaughan

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Motion to approve the minutes of adjourned meeting of 15 April and regular meeting of 20 April 1999 was unanimously adopted.

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Mayor Allen introduced a resolution authorizing bids in the amount of \$2,198,500 and \$1,127,700 and authorizing execution of Contract 1999-06 and 1999-06A, North Buffalo Creek Wastewater Treatment Plant Improvements Project.

After brief remarks by the City Manager, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, Mincello, Perkins and Vaughan. Noes: None.

79-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-06 AND 1999-06A FOR NORTH BUFFALO CREEK WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the North Buffalo Creek Wastewater Treatment Plant Improvement Project;

WHEREAS, Laughlin-Sutton Construction, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$2,198,500.00 as general contractor for Contract No. 1999-06, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

WHEREAS, Kenmor Electric Company, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,127,700.00 as electrical contractor for Contract No. 1999-06A, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bids hereinabove mentioned submitted by Laughlin-Sutton Construction and Kenmor Electric Company are hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro proper contracts to carry the proposals into effect, payments to be made from Account No. 508-7051-01-6019 and Account No. 508-7051-02-6019.

(Signed) Sandy Carmany

(A tabulation of bids for the North Buffalo Creek Wastewater Treatment Plant Improvements Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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The Mayor introduced an ordinance amending Chapter 18 of the Greensboro Code of Ordinances with respect to Offenses and Miscellaneous provisions.

Summarizing the ordinance, Councilmember Vaughan stated this provided a clear definition of graffiti, established fines for the first and second violations and provided a manner by which property owners could be fined if the graffiti were not removed in a timely manner.

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Councilmember Johnson re-entered the Chamber at 7:33 p.m. during the above discussion.

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Mike Bumpass, President and CEO of the Greensboro Merchants Association, 225 Commerce Place, spoke to the existence and operation of gangs throughout the United States which bred fear and violence; he provided slides of gang-related graffiti taken in various areas of Greensboro. He requested

Council to adopt the proposed ordinance and send a clear message that gangs were not wanted in Greensboro.

Guilford County Sheriff B. J. Barnes stated that this ordinance was for the common good and would enable law enforcement officers to charge offenders and property owners. He spoke to the value of the ordinance in dealing with absentee property owners who had no interest in the City. Sheriff Barnes spoke to the expertise of his department's Gang Intelligence Unit. In response to Council inquiries, he advised early action by the Council with regard to the existence of gangs, including this ordinance to address graffiti, should be taken.

Greensboro Police Chief Robert White spoke in support of the ordinance; he advised that his department also had a unit that specialized in gangs and could provide information about activities in Greensboro. Chief White spoke to the process currently used by Police officers to charge offenders with vandalism which did not hold property/building owners accountable. He also supported the need to send a clear message that gangs would not be tolerated in Greensboro.

Bob Coke, residing at 2939 Martha's Place, spoke in favor of the proposed ordinance. He spoke to the difficulty in removing certain types of graffiti and stated that, in his opinion, additional time should be provided for removal.

Members of Council discussed with staff and the speakers various opinions and concerns with respect to the proposed ordinance; i.e., the manner in which offenders would be charged, programs in place to work with juvenile offenders, whether the ordinance addressed graffiti at railroad underpasses, the process to be used to notify property owners, the desire to inform local schools of the new ordinance and penalties for violations, etc.

After lengthy discussion, Councilmember Vaughan moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-68

#### AMENDING CHAPTER 18

#### AN ORDINANCE AMENDING CHAPTER 18 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO OFFENSES AND MISCELLANEOUS PROVISIONS

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 18 of the Greensboro Code of Ordinances is hereby amended by adding a new section following Section 18-7 to read as follows:

#### Section 18-8 Graffiti.

- (a) *Graffiti* shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on public or private building, sidewalks, streets, structures, or places which are not authorized or permitted by the property owner or possessor. For the purpose of this chapter, graffiti shall include drawing, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act. However, it shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings, or bases for stick ball, kick ball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.

- (b) *Graffiti Prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building, streets, sidewalks, structure or any other real or personal property. Any person convicted of a violation of this paragraph shall be fined not less than Two Hundred fifty dollars (\$250.00) for a first offense and Five Hundred dollars (\$500.00) for a second and subsequent offenses. In addition to any other punishment imposed, the court shall order the person convicted of a violation of this section to make restitution to the victim for the damage or loss suffered by the victim as a result of the offense. The court may determine the amount, terms, and conditions, of the restitution.
- (c) *Removal of graffiti:* It shall be unlawful for any person owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti upon such property. Any such person convicted of a violation of this paragraph shall be fined not more than one hundred dollars (\$100.00). In determining the fine to be imposed, the court may consider the efforts, if any, taken by the violator to remove or effectively obscure the graffiti during the preceding calendar year. The mandatory fine provided in this sections shall not apply to a property owner, agent, manager, or possessor of property if such property owner, agent, manager or possessor has been victimized two (2) or more times by graffiti within any calendar year and, during such time, has removed or effectively obscured such graffiti from the property in a timely manner.
- (d) *Severability:* The provisions of this section shall be deemed severable. If any portion of this section is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this section.

Section 2. That Chapter 18 of the Greensboro Code of Ordinances is hereby further amended by adding a new section following Section 18-8 to read as follows:

Section 18-9 Providing notice to property owners or their agents or managers.

- (a) *Notice:* Whenever the city becomes aware of the existence of graffiti on any property, the city is authorized to remove the graffiti as set forth in this section after giving, or causing to be given, written notice to remove or effectively obscure such graffiti to the property owner, such property owner's agent or manager, or any other person in possession or control of the property. If the city intends to place a lien on the property, as provided in paragraph (b) of this section, it must also notify all other persons whose names appear on the tax rolls of the City of Greensboro as having an interest in the property. Notice shall be given by personal service or certified mail, except that notice may be given by first class mail to those persons, other than the property owner, whose names appear on the tax rolls of the City of Greensboro as having an interest in the property. All notices shall state the procedure for appeals under this section.
- (b) *Costs and Liens:* If the person owning the property, acting as manager or agent for the owner of the property, or in possession or control of the property fails to remove or effectively obscure the graffiti within fourteen (14) days from receipt of the notice described in paragraph (a) of this section, the city may cause the graffiti to be removed or effectively obscured and charge the property owner, or the property owner's manager or agent, or the person in possession or control of the property, for the expenses incurred by the city in removing the graffiti. The city may sue in a court of competent jurisdiction to recover all such expenses, which shall include, but not be limited to, all administrative personnel costs, attorneys fees and costs related to enforcing this section; and/or the city may record a lien in the public records of Guilford County, which lien shall be for all such expenses, and the amount of the lien shall bear interest from the date of recording.



- (c) *Appeals:* A property owner or his agent or manager has seven calendar days from receipt or posting of the notice to file for an appeal. The appeal must be made in writing to the city manager or his designee. After a reasonable opportunity to be heard, the city manager or his designee shall make a prompt decision regarding the alleged violation of this section. Any decision of the City Manager may be appealed to Superior Court in the nature of certiorari.

(Signed) Donald R. Vaughan

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Richard Whittington, residing at 705-A Sunset Drive, requested Council's support of the funding for Triad Stage, Inc. He spoke to the plans of the group to purchase a site in downtown Greensboro and to create a non-profit professional regional theatre to set a standard of excellence which could serve as a revitalization tool for the area. Mr. Whittington provided to Council information to support this request and suggested possible funding sources.

Council discussed various opinions and concerns with respect to this request; i.e., potential funding sources, economic and "quality of life" benefits to Greensboro, Council's desire to participate in positive downtown development/redevelopment, and the fact that the provision of seed money for this theatre could attract investments from other groups. Councilmember Carmany expressed concern that this group and other similar projects relied on the City to invest funds when the program had failed to succeed without governmental support. She also spoke to the War Memorial Commission's opposition to the funding of this proposal and stated it was their position that the City owned the War Memorial Auditorium and should give priority to improvements at that facility. Council discussed various opinions about the impact this organization could have on the Coliseum and whether or not it would compete with that facility. The Mayor advised Council would have an opportunity to consider this request during budget work sessions.

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Councilmember Jones spoke to a recent Hurricanes game and to the national television exposure the event had brought to Greensboro.

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Councilmember Johnson added the name of Richard Beard to the boards and commissions data bank for consideration for future service on the Greensboro Transit Authority.

Councilmember Johnson spoke to her participation in a reading program at Hampton School and encouraged other members of Council to participate.

Speaking to recent action by Council to rezone property in the downtown area to enable the operation of a downtown jazz club in the belief that this business would help revitalize the area, Councilmember Johnson spoke to recent complaints received about the operation of the Club. She discussed with the City Attorney any action that could be taken to address concerns. Other members of Council offered thoughts with respect to the rezoning and spoke to uses that would be appropriate in the downtown area.

The City Attorney advised the ordinance could be changed to make this club a non-conforming use and that this the business could be checked when complaints were received to determine if any violations of the noise ordinance or other City ordinances were taking place. She advised that those individuals complaining should write to Council and/or attend a City Council meeting to express concerns. The City Attorney advised the club owner/representative should also have the opportunity to address the complaints.

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Councilmember Holliday also spoke to the Hurricanes game and to the untimely death of one of the players.

Councilmember Holliday encouraged Council to attend the Glenwood Association Meeting scheduled for Thursday at 7:00 p.m.

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Councilmember Carmany stated the War Memorial Coliseum Commission had expressed concern with respect to the newly adopted board/commission absentee policy, particularly the language by which members may be excused only by written justification from a Doctor of Medicine. She suggested that the City Attorney might review other language that would allow other necessary absences.

Some discussion was held with respect to the suggested language change, the intent of the policy, types of absences that might be appropriate, etc.

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Councilmember Perkins requested input from the Managers and staff to provide a timely response to Commissioner Bob Landreth's letter requesting the City to extend water and sewer to a shopping center near Forest Oaks and a medical facility on Highway 421.

The Manager stated that following the joint City/County meeting, he had advised the County Manager that City staff would be available to brief the County Commissioners with regard to the new City policy at their convenience. Councilmember Carmany also asked if this property was in an area to be considered for annexation by another municipality and requested additional information about the property. Councilmember Jones added that he would introduce a motion at the May 18 meeting to extend water and sewer per the County's request.

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Mayor Allen distributed to Council a ballot from the Mayor's Ad Hoc Slogan Committee and requested that they vote for the theme of their choice and return the form to Sharon Bell in her office. She advised this theme would not be a substitute for "Gate City" but could be used by various groups to promote Greensboro and related events.

The Mayor spoke to her attendance at a program offered by One Step Further which taught middle school students how to handle disputes in a constructive way. She added that this was a most informative and productive program.

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Councilmember Carmany moved that the City Council adjourn to Closed Session for the purpose of discussing acquisition of real estate. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED TO CLOSED SESSION AT 8:40 P.M.

CAROLYN S. ALLEN  
MAYOR

JUANITA F. COOPER  
CITY CLERK

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